

Mistaken Justice:

OR,

Innocence Condemn'd,

In the Person of

Francis Newland,

Lately Executed at Tyburn, for the
Barbarous Murther of

Mr. Francis Thomas.

BEING

A True Account of the Evidence against
him, of the Truth of his Case, and of
his Behaviour, from the Time of his
Sentence, till his Execution;

Attested by divers Credible Persons.

L O N D O N,

Printed for Richard Smith, at the Angel near *Lincoln-Inn* Back-
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Mistaken Justice:

Or, Innocence Condemn'd.

EXamples in History there are many of unquestionable Truth, of Persons Condemned and Executed for *Crimes* of which they were not Guilty: Some through the wicked Designs and Practices of Men, either Judges themselves, or inferiour Officers, and Ministers of Justice, or Witnesses: Some through the Weakness, Hastiness, or Inconsiderateness of Men; of which we have had, in our Time, a very strange Example of a Mother and her two Sons Executed near *Cambden* in *Gloucester-Shire* for the Murther of one *Harison*, who is well known to have been living divers Years after. And sometimes there have been such concurrence of Circumstances as have deceived very honest and cautious People. When it doth so happen, that a Man is so wrongfully Condemned and Executed, whether through Design, or Mistake, it seems to be not only a commendable Action, but a Duty incumbent upon such as have any Knowledge of his Innocence in the Case, to declare and publish the same, both to do right to the Memory of the Deceased, and his surviving Relations, and to do a necessary Service to their Countrey, that it may be freed, by all means that may be, from the Cry of *Innocent Blood*.

In the Case of Mr. *Newland*, lately Executed for a barbarous Murther committed upon Mr. *Thomas*, there are two sorts of Evidence which have given good Satisfaction to divers Persons who had the Opportunity of being acquainted with them, that

he was not so much as Aiding, Assisting or Abetting in that foul Action. The one, is Evidence upon Oath, of Persons who were present, and saw what was done: but this must be reserved till some of the Persons who were really Guilty be apprehended, and brought to Tryal. The other, the solemn repeated Declarations of him, who knew best of any; together with the Testimonies of very competent Witnesses, concerning the Credibility of his Declarations, that is, of a dying Man; and not only so, but of one so fitted and prepared, as he was, for his Death. The *Speeches of dying Men* do, as it were, ordinarily exact more Credit than those of others: but there are Two sorts of Persons who have too deservedly lost that Credit, which is otherwise due to all at their *Death*: Such as are hardened in Wickedness, and such as are corrupted in their Principles, to serve a corrupt Religion by indirect means: But Mr. Newland was none of these: He was instructed concerning both the *Necessity of True Repentance to Salvation, and of Confession of the Truth to True Repentance*: and his Behaviour did manifestly shew the good Effects that those Instructions had upon him; which doth double the Validity and Credibility of what was said by him, under his Circumstances.

And the Persons who do this for him, are *Testes fide digni*, Witnesses above all Exception, such as were Strangers to him, all free from any byass to Partiality; such as had either never seen him, or never exchanged Word with him, till the Day of his Condemnation, except one of them, who hereafter gives an Account of his Acquaintance with him; were moved only by Motives of Charity to visit him, at first; and after that, meerly by Consideration of his Behaviour and Conviction thereupon of his Innocence, to do all they could, both to assist him what they could with good Advice, and good Books, and to obtain a Reprieve for him; that by further Evidence of his Innocence, they might have ground to move for a Pardon, and save a Life which they hoped might be very serviceable to their Country.

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These were their only Motives : And therefore, considering the Satisfaction they had concerning his Innocence, and the certainty they had of their own Integrity, and good Intentions, they were not to be deterred by vulgar Objections of their Arraigning the Government, or popular Censures, from what they have done. Such Objections proceed from the false Pretences of *Evil Ministers*, to abuse the People, and shelter themselves under the Name of the *Government* ; such as *our Judges* as little need as any sort of Officers in this Nation ; which would be in a much better Condition, if other Places were no worse filled : And yet it were to be wished, that their Care of the Discharge in *their peculiar Office* of Administration of Justice, did not too much restrain their Care of the Discharge of a more *common Duty*, as Members of the *Common-Wealth*, and the principal Persons of one of the most considerable Bodies of the *Commons of England*. If they can see their Prince abused by *Evil Ministers*, or the Fundamental Rights of the People violated, or Justice perverted by *Counsellors* or *Juriers* ; and because they cannot, by their ordinary Authority, redress the same, will therefore take no Care for effectual Remedy, where it may be had, they forget a great Part of their Duty to their King, and to their Countrey, and to God above all. And unless some means be provided to correct the Corruptions of *Coroners* and *Jurors* in such Cases as these, it will be impossible for the best Judges in the World, either to do Justice, or to hinder great Injustice many times. We have known, not long since, a poor innocent Souldier pursued through a Market, and most barbarously Murthered in the open Street, by two Persons disaffected to the Government, (to say nothing of their Character in other Respects) who, with divers more, met together, as was suspected, upon no good Design, and had before offered divers Affronts to the Souldiers, and made a Quarrel with him they Killed ; and yet these were found Guilty but of *Man-Slaughter*. But of such Instances as these, of Persons Guilty
of

of Barbarous and Wilful *Murther*, who, through the Corruption of intermediate Officers, or Ministers of Justice, or through the Prevalence of Great Men, have escaped Justice here, and the Punishment of Humane Laws; there are so many, that not a Judge or a Lawyer that goes the *Circuit*, or attends the *Courts of Justice*, can be altogether Ignorant of them. And this is a great and principle Reason that moves the Judges ordinarily to oppose *Reprieves*, unless there appear manifest Cause at the present, because they see them ordinarily abused, only for more Leasure to obtain Pardons, and that to be the usual Consequence. But Reprieves, notwithstanding, may be of great Use for the due Execution of Justice; and therefore should not be opposed meerly for the Abuse; which might better be provided for some other way, than by running into a contrary Extream; lest, while we intend nothing but Justice, we unhappily in fact precipitate our selves into great and irreparable Injustice, as in this Case: The Case of a Young Man, by reason of his immature Age, and want of Experience, unable of himself to make his Defence as he should, and might have done; destitute of Friends to assist him; and presuming too much upon his Innocence; and easily check'd and silenced when he offered to speak. The *Friends* he afterward found, for his Comfort and Support in his Affliction, were such as the Providence of God, Christian Charity, and Commiseration of his Condition at first excited, and Sense of his Innocence afterward further incited to use their utmost Endeavour on his behalf; but it was too late: and, besides, there was one or two *Overights* committed, that proved fatal to him: The one, a neglect of timely enquiry after Persons who were present, and saw all that was done, when the barbarous Murther was committed: The other, the putting of a long Report into the King's Hands, without so much as any Notes or Marks at the material Particulars, whereby some of them seem to have been over-looked; whereas, the Report of the Judge was very fair,

fair, and the King well inclined, had those Particulars which lay dispersed in the Report been put all close together, as might have been in a short Petition, which, with the Report at large to verify the same, had been as just as it was necessary: But, it seems, the Supream Judge determined otherwise, that he should suffer this Judgment of Men here, that he might not be condemned with the World hereafter. And now, all that they can further do in this Case, at present, since they could not save his Life, is to make the Truth of his Case to be better understood: And to that purpose, it is thought fit, First, to recite the Evidence, as it appeared to, and was reported by the Judge; and then the Truth of his Case, as related by himself, and left in Writing at his Death: And, lastly, their several *Attestations* of the Motives of Credibility which they observed in his Behaviour. *The Report was as followeth.*

To the King's Most Excellent Majesty.

BY Virtue of Your Majesty's Order signified to me, by His Grace the Duke of *Shrewsbury*, to report unto Your Majesty, how the Evidence appear'd unto me against *Francis Newland* at his Tryal; I humbly certifie unto Your Majesty, that the Evidence against him, was, That he, together with one *Philboy*, *Tully*, and about five others, were all concern'd in breaking open the Door of a Dancing-School, about Eight of the Clock the same Night *Mr. Thomas* was Kill'd; they went all together thence, and return'd to the same School again about Nine of the Clock, where, after some Disorder committed, they took lighted Candles in their Hands, and went all together out of the School, into the Street; *Two of this Company* soon after threw down the Door of an Apple-Stall, where seeing *Mr. Thomas* buying of Apples, they gave him very abominable Words, drawing their Swords upon him,

him ; whereupon the Gentleman, † to save his Life, got out of the Stall, and drew his Sword, and defended himself for some time against them ; but Six others coming up afterwards with drawn Swords, he gave ground, and said, *They would Murther him* : He receiv'd two Wounds, one in his Back, which was said was Mortal ; and the other in his Breast, which was believ'd to be so. *Francis Newland* was apprehended soon after this Fact done, having a Belt and Scabbard with no Sword. *None of the Witnesses could positively Swear that Newland was either of the Two Persons that fought with Mr. Thomas, only Two of the Witnesses Swore, 'twas a Man of his Stature, and with such a Coat on ; and being brought to Mr. Thomas, before his Death, upon his own Desire, Mr. Thomas declared, He thought he was the Man ; but there was Evidence given, that Philboy and Tully were the Two Persons that first drew upon Mr. Thomas ; whereupon I directed the Jury, that though they did not believe that Newland was the Person that actually wounded Mr. Thomas, yet if they believ'd that he was one of the Company that came up with drawn Swords, in Terrour of him that was Slain, he was, by the Law, as much Guilty of Murther, as either of those that actually wounded him ; whereupon they brought him in Guilty of Murther. I think the Gentleman was basely Murther'd, but do believe that Francis Newland was neither of the Two Persons that first assaulted him, or that gave him any Wound, which I humbly submit to Your Majesty.*

*April 17th,
1695.*

By this Report it appears, 1. That there were Two Persons who fought and wounded *Mr. Thomas*, and that the Two Persons were *Philboy* and *Tully* : so that whatever *Mr. Thomas* might say when he was expiring ; or others believe that *Mr.*
Newland

Newland was like him that fought with him, he could not be the Man; nor could any of the Witnesses Swear he was; nor did the Judge believe he was either of the Persons who did assault or wound him. 2. That there was no Proof of any Act or Word of Aiding, Assisting or Abetting done or said by Mr. *Newland* at that time, more than only drawing of his Sword: and since that is a thing which is commonly done upon such unexpected Occasions, especially by Young Men, that alone cannot make him Guilty, without some other Indication of his Intention. It is true, the *Jury* might have some Motives to believe his Intention to have been such as might make him Guilty within the Statute: but as none could know that so well as himself; so his own *Declaration* under his Hand at the time of his Death, after so constant Assertions of the same, under such Circumstances, as will appear hereafter, may deserve, on the other side, to be well considered: which herefollows in

*His Paper delivered to the Ordinary, at
the Time of Execution.*

Since I am now thus publicly (though Innocent) to suffer for a most barbarous Murther, the World, no doubt, expects I should make a *Publick Confession*, which I, for several Reasons, think my self obliged to do; and especially, in some measure to clear several Gentlemen who are accused of this Murther, though altogether innocent, as my self; and likewise to declare who were the principle and only Actors of this Murther, (which were *James Philboy*, and *Daniel Tully*). But since most People are already prepossess'd with an Opinion that it was done by several Hands, I fear it will be a hard matter to get them out of the common Road; but to those who will give Credit to a dying Man's Words, (as I believe none dare die with

(a Lye in his Mouth,) *I here declare, as I hope for Mercy from God, I am Innocent of what I now suffer for ; not but that I was an Eye-Witness of the Murther, but knew nothing of the Quarrel, nor was no ways concerned in it, neither was any other Persons except the afore-named Philboy and Tully ; and notwithstanding there were several Swords drawn in the Street, no one injured the Deceased that I saw ; but, on the contrary, several would have parted them, had they not been prevented by Tully, which was my only Reason of drawing my Sword. The Reason why I have given so exact an Account of the Murther and Persons, is more for the Satisfaction of the World, and Vindication of other People, than my self ; yet I can safely justify my self from having any hand in this Murther, any farther than ignorantly running to see what was the matter ; I therefore heartily wish, since I am here publickly to suffer Death, as an Attonement for Innocent Blood, that in its proper use it may meet with its intended design ; though I fear that spilling more innocent Blood seldom excuses the Nation for the former ; notwithstanding no one (than my self) wishes better Success to my Countrey. I heartily forgive all who have any way injured me (as I hope all do me whom I have injured) ; but especially Those who, in this case, have wrongfully rob'd me of my Life. To all People therefore, and especially my Friends and Acquaintance, I hope my unfortunate End may be a sufficient means to prevent them from any thing which may in the least cause them to depend on others Mercy, (which, together with Justice, I fear, has long since left this Nation). It is not for me now to insist on this, since I am at Peace with all the World, and have already forgiven them ; but rather (if it were in my Power) to say something which might in any ways retain all People from idle quarrellous Company, which, undoubtedly, is the great in-let to all other Mischiefs and Misfortunes, (as by me plainly appears) ; and therefore, how unjustly I here suffer, I really believe, is a most just Reward for my past sinful Life and*
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Conversation. *I, not long since, thought my self as far from this untimely End, as any of my Acquaintance; and therefore hope, that since, in this Case, I am able to say but very little, that the very Example it self may deterr you from your wicked sinful Courfes of Living, which, undoubtedly, will as severely be punished, if not in this World, in the next you must surely expect it, which will be far worse, unless you unfeignedly Repent, which can never be too soon, though it may be too late; for assure your selves, nothing can be half so great a Terrour to a Man, as when leaving this World, to find himself altogether unfit for another, and in Examining himself, to find that he groans under an immense Burthen of Sin, which he can no ways get rid of; the ill Consequence of which I am not able to describe, but must leave you farther to consider of it; though, I bleis God, that since my dismal Sentence I have so much reflected on my past Life, together with the good Advice I have had of several People, that what I formerly thought most dear and pleasant to me, is now so odious and unpleasant, that were I now at my Liberty, and accidentally should meet with any of my former Acquaintance, I should certainly think them all Drunk, were they never so Sober; and (I suppose) they, on the contrary, would think me Mad: yet I am so well pleased and satisfied with this my Misfortune, that rather than I would give my self over to my former Course of Life, were I to live, and on my Death-Bed to undergo the Agonies and Terrour which, since my Sentence, I have done, I would first chuse to undergo the cruelest Death that could be inflicted.*

This Paper was all Written with his own Hand not long before his Execution. What Credit it doth deserve, may be understood by the following Observations and Attestations.

The Observations and Attestation of Mr. W. H.

MR. Newland, some time since, took *Lodgings* in the same House with me, where I had a considerable Charge under my Hand. The House was large, and none but he and I upon the same Floor: This made me take special Notice of his Carriage, who was a Stranger to me.

I always found him *Orderly* and *Obliging*; and, at length, perceived in him an *excellent natural Temper*, capable of great Improvements.

He afterward removed thence, and I engaged in Affairs that employ'd all my time, and neither enquired nor heard of him till the News of *his Commitment* was brought me by one of Credit, who assured me he was *Innocent*, which prevented my going to see him till I heard he was *Convict*.

But then, strongly presuming he would prove a *real Convert*, and having a very strong *Impulse* upon my Mind, which I know not what I should attribute it to, I went, and finding him *well disposed for good Impressions*, I offered him some *Books*, and desired him to send for some *Divine*; all which he took very kindly, and left the Choice of the Person to me; so I went to Mr. S. who, though otherwise employed, and not well at Leisure; yet upon the hopes I gave, that he might prove a *real Convert*, was persuaded, and went with me to *Newgate*: Where Mr. S. urging the Necessity of *Disclosing his whole Life*, I left them together, and afterward found Mr. S. not pleased, at what he thought an *imperfect Confession*; yet I entreated him to consider his Circumstances, and believe him *Sincere*, and get a *Reprieve* for him; but he would only consent to try what might be done to get the Warrant respited till further Enquiry into the Matter, and repeated Converse with Mr. N. so well satisfied him, that he earnestly desired and endeavoured a *Reprieve*.

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I had from *Credible Hands* an Account of the Fact, which represented him not only *Innocent* of it, but *protesting against the Unfairness of the Engagement*, as soon as he saw it, which was before the Wounds were given.

And for my part, I could see no Reason why a Young Gentleman, if Innocent, as I verily believe him, and one of an excellent Spirit, and a true Convert, should not be thought a fit Object of Mercy. And I was so convinced of the great good he might have done, that I could not but wish, with all my Soul, that One of such an excellent Temper, so curious an Intellect, and susceptible of Instruction, so heartily engaged in Religion, might be preserved to reduce the more refined Sinners of the Age.

I could do little more than wish it; yet there were those that did endeavour it: And though the Wise God disappointed them; yet the divine Dispositions he at last attain'd, assure me he is now Partaker of that Happiness for which he was so well fitted.

The Observations and Attestation of Mr. E. S.

U Pon Friday the 5th of April, Mr. Newland being to receive his Sentence in the Afternoon, I was importuned by a very good Man to visit him, and assist him in his Preparation for his Death. When I came to him, I told him that if he desired my Assistance, as I desired to be faithful to God, and to his Soul, so I did expect, to the end, that we might proceed upon safe grounds, that he should give me a plain Account both of the Crime for which he was to suffer, and of all the most considerable Miscarriages of his Life, with all their Aggravating Circumstances; that thereby I might the better know how to give him my Advice and Direction: and besides, I shewed him how therein did consist a great and necessary part of true Repentance, viz. the Giving Glory to God, by taking Shame to himself.

self. When I had pressed this as far as I thought necessary at that time, being left to our selves, I examined him both concerning the Crime, for which he was to receive so sad a Sentence, and other Matters of his Life: For other Matters I ought not to say any thing of them: But for that horrid Crime, he did constantly affirm, that he was neither Guilty of that Fact, nor of Aiding, Assisting, or Abetting; but did, when he saw them Fighting, cry out Shame upon *Philby*, that he being a professed *Fencing-Master*, would engage a Gentleman in that manner; only he was so unhappy, as seeing many Swords drawn, to draw his also, as is commonly done upon such unexpected Occasions, but not with any Thoughts, in the least, either to hurt Mr. *Thomas*, or to encourage the Murtherers, but to have saved him, if he could have had Opportunity, and for his own Defence: but his Sword was no sooner out, but it was wrested out of his Hand by some Body, who seeing it to have a guilt Hilt kept it, and hath concealed it ever since. This he affirmed very constantly, but with so much Modesty, as made it look to me like the Excuse of a School-Boy, when taken in a Fault; for he was Young, and but just of Age: But I am now well satisfied that it was really true. But for my better Satisfaction then, when I had done with him for that time, I went to the Judge, before whom he was Tryed, told him what I was engaged in, and desired him to do me the Favour to let me know the Particulars of the Evidence against him, which he did very fully; when I had this, I went further, and made some enquiry into the precedent part of his Life; and the next Day in the Evening went to him again: and after I had done what I could to convince him that it was his Duty, and of great concern to him, to deal plainly with me, as in the Presence of God; I then made the best Use I could of the Informations I had received, for the more close Examination of him in all the Particulars thereof, and what else I thought necessary, and gave him the best Advice and Directions I could. The Day following I went

went and heard the Sermon at the Prison; and after I had discoursed with him, went to the Lord Mayor, and for some special Reasons desired only a respite of the Execution as long as might be; for I did not think fit then to desire a special *Reprieve*; considering that that might raise unreasonable Hopes of a *Pardon*: And it so fell out, that the Recorder had not Opportunity to make his Report to the King till the *Thursday* following, and then, of course, the Warrant for Execution could not well be till the *Wednesday* after; and I desired of him that it might be deferred but till *Friday*; but that I could not obtain: Whereupon I made the best Use of my Time that I could, to prepare him for his Execution; and upon the next *Lords Day* (*April 7.*) I had full Satisfaction in my own Mind to give him *Absolution*, and gave him the *Holy Sacrament*, which I did accordingly, taking with me some good intelligent devout Christians to assist us with their Prayers; and from that time I began to desire and endeavour what I could for a *Reprieve* for some longer time, for a further Discovery of the Persons concerned in that barbarous Murther: but for a *Pardon*, I never did or would consent to any Motion for any such thing; but thought it fit that he should lye under the Sentence of *Condemnation* till the Matter could be made more manifest by evident Proofs, that there was just cause for it; but yet was so well satisfied of his Case, that I made no scruple to do more for a *Reprieve* for him, than otherwise I should have thought fit to have done. And it pleased God to raise him up divers *Friends*, who were Strangers to him before, and yet were so affected with a sense of his Circumstances, as I have never known the like in any such Case, upon the meer Principles of Charity and Christianity. At last a *Reprieve* was obtained from *Wednesday* to *Friday*, and an *Order to the Judge*, to certifie to His Majesty how the Evidence appeared against him at his Tryal. This *Reprieve* came not till he was ready to be carried out, with the rest, to *Execution*. That Morning (*April 17.*) I again, with some such

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Company as I had before, gave him the *Holy Sacrament*, with so much Satisfaction, that when I had done, I could not but tell him, that as he had solemnly owned Jesus Christ to be his Lord and his Saviour, by his Receiving those Holy Creatures of *Bread* and *Wine* in Memory of his Passion, the great Propitiation for our Redemption; so I could assure him, that he, by me, as his Deputy and Minister, had, by my Delivering of those Holy Memorials to him, solemnly owned him for his Servant; and that not only upon the Consideration of the Authority, according to his Institution and Appointment committed to me; but moreover from a special Sense and Feeling, and Satisfaction that I then had in my own Soul of his Approbation and Ratification of what I then did. And thereupon I did encourage him, with full Assurance, to resign himself to him, and humbly and patiently acquiesce in his Disposal, whatever it might seem to Flesh and Blood, and he should find him a powerful Saviour. This done, I left him for the present, but returned again time enough to have accompanied him to the *Execution*; but that was prevented by the *Reprieve* till *Friday*, which was soon after brought in. This was but a short time; but what could be done in so short a time, was done, by all the Applications that could fairly be made to the most proper Persons, upon these Considerations; That while he was Living there would be all possible Diligence and Industry used by his Friends for the apprehending of the Murtherers, and for further Evidence to clear the Matter of Fact in all Particulars: and there could be no Inconvenience to grant, for this end, a *Reprieve* till the end of the next Sessions; but a hasty *Execution* would quash all these Endeavours for the Promotion of Justice, and gratifie none but the Murtherers. The Innocence of the Person we could not yet insist upon, though we our selves were never so well satisfied of it; for the Apprehensions conceived, justly of the Barbarousness of the Murther, and with too much appearance of Truth, of his being Aiding, or Abetting, within the Statute, were greater than

than we could expect should be removed by any thing we could alledge. But those Considerations before-mentioned, together with some more Evidence concerning the Murther, which was found out but the Night before he was Executed, gave us Hopes and Encouragement to try to the utmost what could be done for a further *Reprieve*, till the fatal Hour was come. In the mean time, that he might be ready to embrace the Will of God, whatever it should be, I now again gave him the *Blessed Sacrament*, together with some other serious devout People: and we had scarce done, when the Persons, who attended for His Majesty's Determination at *Kensington*, came in, and acquainted us with it, and he received it with the same composed Sweetness and Mildness which I all along observed in him. At my first coming to him, and after I had talked with the Judge, and with some others, having other Apprehensions of him and his Case than I have had since, his insisting upon his Innocence, which I could not then believe, made me judge more hardly of his Case, than the Truth of it did deserve, and press him harder than otherwise I should have done; so that it gave him some Trouble, and was an Addition to his Affliction, that I would not give more Credit to him; and he complained of it to some of his new Friends, who visited him: and I confess now, I am sorry for it, though it was no more than my Desire to deal faithfully with him made me do. But when I had examined all things as fully as I could, and then shewed him the Original and Progress of our Unhappiness, and how *true Happiness* is now to be attain'd, and what were the only solid Grounds of *Comfort & Confidence*; I endeavour'd to settle him in a full and intire Resignation of himself to the Goodness, Mercy, and Faithfulness of our Glorious and Powerful Redeemer, with a well satisfied Acquiescence in his Disposal, whatever it might seem to Flesh and Blood. And this was so well exercised by him, that neither I, nor any one else that I have heard of, ever observed anything that favoured of any other Disposition of Mind in all his Carriage, to

the last. When he received his last Doom here, that no *Reprieve* could be had; but he must prepare for his *Execution*, without further respite, he received it with the same Sweetness and Composedness; we retir'd from the Chappel to his Chamber, and he there read to me a Paper, which he thought fit to leave, but did not desire to speak any thing to the People at his *Execution*. The Paper I thought most proper that he should leave with the *Ordinary*; and when I had again exhorted him, in few Words, to Constancy in his Resignation, and humble Acquiescence in the good Pleasure of our Lord, we returned again to our Friends in the Chappel; and after another of his Friends had discoursed with him apart, we went all down to the Press-Yard, where first his Bolts were knocked of, and then the Cord put about him, after the usual manner: while this was doing, I put him in mind of the Indignities done to our Saviour, who was an Innocent Person, and suffered all that for our Sake; and to leave us an Example. I went in the same Coach with him, and held him by the Hand almost all the Way; but we said not much, neither he to me, nor I to him; for, indeed, I do not approve either long *Discourses*, or long *Prayers*, but upon just and necessary Occasion: and that Vanity and Ostentation which I have sometimes observed in both, hath given me great Offence. In weighty Matters, a few weighty Words suffered to sink, and be digested, is, in my Apprehension, more effectual upon Men; and a close reverend Expression of what is necessary, more decent, and more acceptable to the Divine Majesty, than what is commonly more applauded by the generality of the People. He did once or twice, as we were going, acquaint me, that he had something of Fear; but when I enquired into it, I found nothing in it but such a natural Abhorrence of a Separation of Soul and Body, as I conceive is more or less common to all, upon such Occasions; and it did not discompose him. When we came to the Place of *Execution*, I went with him out of the Coach, into the Cart; and when the *Ordinary* had done what he

he usually doth in such Cases, I did, in few Words, but a Heart full of Satisfaction in what I did, present him to the great Saviour of the World, who, before, by my Ministry of *Reconciliation*, had received him to Favour. And when I had done, I asked him how he then found himself, and he told me, well satisfied: and so I left him to be turned off, with full Satisfaction, both of his Innocence, as to the Crime for which he suffered, and of his future blessed State.

The Observations and Attestation of Mr. C. T.

UPon the *Sunday* Sevenight after Mr. *Newland* had receiv'd his Sentence, I was desir'd, by a Gentleman, who (having before often visited him) was then going to give him *Absolution*, and the *Sacrament*, to accompany him, with some others, to assist with our Prayers in that Holy Office, which I did very willingly, and was so affected with the serious and decent Behaviour of the Young Man, that I thereupon resolved to give him all the Assistance I could, but especially by the best Arguments I could, to fortifie him against the Fears of Death, if God should see it good for him to suffer. I got Divines to visit him, and did my self ne'er fail him twice or thrice a Day; all which he took most kindly and thankfully, and was always pleased with what I said or did.

As he had received many good *Instructions* and excellent *Advice* from his Spiritual Guide, and other his charitable Friends; so it had produced that good *Effect*, as to beget in him such strong *Resolutions of Amendment*, as made me rest assured, that if God should be pleased to deliver him then, and to prolong his Life, he would not only prove himself to be a Penitent, and a good Man, but an useful Person in his Generation.

He told me indeed that he had very hard *Measure*, and no more thought of being *Condemned*, than of *Dying*, before his

Tryal; yet made no Reflections upon any, excepting one Witness or two; but owned and revered the Judgment of God, as just upon him; and yet, at the same time, rejoiced in the Mercy, as a means whereby God had brought him to Himself. He said that he had often thought upon the Folly and Madnes of an evil Life, and of the Mischiefs ill Company might expose him to, and has had thoughts to have left them all, but his Circumstances and easie Temper still delayed him; but that now his Eyes were open, and that he wondred at himself, and pitied all under his former Condition; and might it please God to spare him now, he would give a Testimony of it to the World, and that he desired to live chiefly for that purpose; and next to that, (as in a most obliging thankful manner, he said) that he might shew his Friends that he would be that Penitent, that Vertuous Person, they so much desired he might be.

I told him, God's Mercies were infinitely greater than all his Extravagancies, and his Love unspeakable; and look what Pity, what Love, what yearning Affection could be in the dearest Friend in the World, to his most Beloved, that in infinitely greater Measure was in God to us; and from thence raised Arguments of Courage and Hope, from which he seemed to take Heart. He told me he had read over Dr. *Scot's* Book, which he exceedingly liked, and thought most reasonable: for there, says he, he shewes how absolutely necessary it is to be *Holy*, that we may be happy; and that Heaven itself would not be Heaven to Sinners. How can I then, added he, who have led a thoughtless Life, chuse but be largely troubled with Fears and Doubts now that I am to die, and be extreemly concerned about my future Condition, which those who have led a virtuous Life need not to be. I told him those Fears and Doubts added to his fervent Resolutions of Amendment, were excellent Signs of an awakened Conscience, and of that just Reverence which is due to God, which the best of Men had, and could not be altogether freed from; and that those were happy Instruments to bring

bring him nearer and cloſer to God ; and ſo that they did make him redouble his Care, and his Prayers, and his Aspirations to God, there could be no hurt in them, though they followed him to the laſt Moment of his Life, God would ſecure his future Happineſs, notwithstanding all his Fears and Doubtings to the contrary.

When I told him that God, perhaps, might cut him off now, to prevent his future Relapſes. He answered me, it might be ſo: but if he knew his own Heart, in any great degree, that he ſhould never do ; but be that as it would, he was then reſigned and obedient. And, indeed, his intire *Satisfaction* and *Reſignation* was very obſervable ; yet I cannot ſay but that there was *Strugglings* in Nature, and glad it may be he would have been to have eſcaped the Execution of his Sentence.

All this, and much more, in Diſcourſe with him, at ſeveral times, he ſaid, with ſuch a natural and unaffected Modeſty and Candour, and his Behaviour all along was with ſo much Seriouſneſs, and decent Compoſure, and with ſuch a Senſe of my Kindneſs to him, as, I muſt confeſs, did ſtrangely move me to do all that I could to have preſerved him ; for I muſt have tranſgreſſed the Laws of *Humanity*, as well as of *Chriſtian Charity*, not to have given Credit to him ; and yet, that I might omit nothing neceſſary, or any way ſerviceable to a compleat Satisfaction, before I made any Application, I informed my ſelf in the *Matter of Fact* as well as I could, not only from his own Mouth, but from the Teſtimony of a very ſober obſerving Gentleman at his Tryal, and from other good Affurances, found cauſe ſufficient to convince me he really had no deſign nor hand in the Murther ; whereupon I ſtated his Caſe, as I apprehended it, and left it with a Perſon of Quality. I did it in haſte, yet took a Copy of it, and when I came back ſhewed it to him, and charged him, as he would answer it to God, to tell me if any thing in it was untrue ; and he answered me in ſuch manner as did very well ſatisfie me, that I had faithfully related the Truth,

Truth, only he took Notice of one or two Circumstances a little mistaken, but they were not very material, and therefore not necessary to be inserted.

When that short *Reprieve* was brought, I admonished him to put no Confidence in it; he told me, No; and that *he had been busied all that Morning in an intire Offering of himself up to God*. But that because we had been often Remonstrating to him, how that there must needs be some hidden Guilt in him, in the Business for which he was to suffer, more than he did discover, because that all Intercessions of his Friends had proved ineffectual. Now, by this *Reprieve*, he said we should begin to change our Minds, and that, *from his Innocency, he did hope a Pardon might ensue*, and that God would yet spare him; for which he Prayed heartily, both that we might believe him, and that we might see and know his Sincerity also.

But God has otherwise disposed, and his Holy Name be praised. 'Tis no sure way of Arguing from Likelyhoods to Certainties; the wise Methods of God are unfathomable. Why God should suffer this poor (and I think I may in a great measure say) innocent Man, in his full Bloom, with these excellent Dispositions of Mind, to be cut off, when he might have done very much Good in the World, may be for most excellent Purposes to himself, and for manifold other Reasons; but to let these things alone, he easily dismissed his suddain Hopes, suppressed his Fears, and with a composed Mind received the final Answer; and at the very Place of Execution, at one time shewed such a *rare Pleasantness* in his Countenance, as could result from nothing, in my Opinion, but a supernatural Touch from God, and great Serenity and Satisfaction in his Soul, upon the sense he had of his own Innocence, and of the Mercy and Favour of God towards him; to which he was most affectionately recommended at his Turning off, with such a universal Prayer by all the Spectators, as some, who have seen many Executions, say, they have seldom known the like. I am fully perswaded of his good Condition,

dition, and do firmly believe, that this, which the World may think his greatest Misfortune, was designed, by the Wisdom of God, for the direct way to his greatest Happiness.

The Observations and Attestation of Mr. J. H.

Being at *Justice-Hall* in the *Old-Baily* upon *Thursday* the *Fourth Day of April*, I saw Two Persons called to the Bar, by the Names of *John Gardner*, and *Francis Newland*, upon an Indictment of *Murther*, committed upon the Body of *Francis Thomas*, Esq; And Mr. *Newland* appeared so Young, and with so much Modesty and Ingenuity in his Countenance, that I gave very serious Attention to the whole Tryal: and did imagine, from my Observation of the Evidence, that the *Jury* wou'd have made more difficulty in their Verdict against him, than they did: But finding my self disappointed of my Expectation, I thought that either some of the *Jury* did know more of his Guilt, than appeared to me by the Evidence; or some things of what were Sworn by the Witnesses for the King had escaped my Memory; and therefore took occasion, after he was Cast, to discourse the Judge upon the point: And from his Repetition of the Evidence, observed, that I had not forgot any part of it; but that the *Jury* had found him *Guilty*, because they believed him to be one of those who came up with drawn Swords, when Mr. *Thomas* was Murthered: And he was pleased to say, at the same time, that he did not believe that Mr. *Newland* had any Design against Mr. *Thomas*, or did any hurt to his Person: It being an accidental Encounter, and none of the Witnesses being able to Swear that Mr. *Newland* engaged him. And upon my saying, I thought *Death* upon that Account very hard; he told me, That the King generally extended Mercy to such, when their Case was fairly represented.

Being

Being again there upon the Morrow, I saw a very Grave Gentleman wait upon the Judge, to know the Particulars of Mr. *Newland's* Tryal: In respect he was desir'd to visit him, as a Spiritual Guide, in order to the Preparing of him for Eternity: And heard the Judge again repeat the whole Evidence against him, and give his own Thoughts of the Matter very truly and freely: Whereupon the Gentleman going away, and the Court being again met, Mr. *Newland* was again called in, and received Sentence of *Death*.

Hearing several Persons, upon the *Saturday* and *Sunday* following, express their Thoughts of the Hardship he suffered, and that the real Murtherers of Mr. *Thomas* might probably escape by his Death, which was expected would be the next *Wednesday*; I was induced to go and see him in *Newgate* the *Monday* after: That if then I found my Opinion of his Innocence confirm'd by himself, to my Satisfaction, I might do all in my Power to procure a Reprieve for him; and do my utmost, in the mean time, to serve his Soul, because I had but little ground to expect Favour to his Body, in regard some great Persons were already prepossess'd with very hard Thoughts against him.

When I came to *Newgate*, I called him to another Room, where we stay'd by our selves a very long time: And after I had told him the Reason of my coming thither, (though we were altogether Strangers to one another) was, to do his Soul all the Service I cou'd, since he was shortly to suffer Death for a most horrid Crime. He first thanked God, and then me, for such a Favour from a Stranger; and then said, he wou'd willingly undeceive me of what mistaken Thoughts I did, perhaps, entertain of him, as to that barbarous Murther he was Condemn'd to Die for. And I must needs say, he gave me an Account of the whole Business with so much Modesty and Candour, as gave me much Satisfaction, as to that, at our first Meeting: But pretending otherwise to him, I press'd his being Accessory to that base Murther very home upon him, if possible I cou'd observe any Prevarication

rication in him; and therefore repeated the whole Evidence, as I heard it given against him at his Tryal, viz. *That he, with several others, broke open the Door of a Dancing-School that Night Mr. Thomas was Killed: and departing all thence, at that time, they returned again about an Hour after, and committed several Disorders in it: after which (most of them taking lighted Candles in their Hands) they went all together out of the School, into the Street. That Two of that Company soon after threw down the Door of an Apple-Cellar, where Mr. Thomas was, giving him most abusive Language, whereby he was provok'd to draw his Sword, and come up into the Street; whereupon one of them engaged with him, and the other, in a threatening manner, kept off any Person from Parting them; that he defended himself for some time against them, and that one of those Two was a Person of his Stature, and had such a Coat on as his was: but about Six others coming up afterwards with drawn Swords, he retired, and said, they would Murther him: and before he fell down, had received two Wounds, one in his Breast, and another in his Back, which were believed to be Mortal: And that he was apprehended soon after, having a Belt and Scabbard, but no Sword; and being brought, upon his own Desire, before Mr. Thomas, he said, he thought he was the Man.*

I alleadged him Guilty of the Murther, from his having no Sword; because that imported his throwing it away, left a Sword with Blood upon it (as his might have) being found with him, shou'd have made much against him, at his Tryal; but especially what Mr. Thomas said himself with his last Breath. He very modestly answered me, that since I observed so well all that was said against him, he hop'd I had not forgot the little that was spoken for him; and how much Partiality appeared to the whole Court, in the Coroner, who was ordered to manage the whole Tryal against him; of whom, (he said) perhaps I might have a further Account afterwards; and likewise see the Justice of God punish him for his unjust Carriage toward him, at that time. And as to what I first alleadged, he told me, that upon

the Tumult he observed in the Street, he drew his Sword, as all he saw have Swords also did; and coming near the Place, so soon as he saw *James Philboy* to be engaged with *Mr. Thomas*, he cried out, For Shame part them: but *Daniel Tully* answered, No; all is fair. And, of a suddain, some one or other snatch'd his Sword out of his Hand, whether for the Sake of its Handle, or out of design to assist *Mr. Thomas*, he could not tell; but so it was, and he never heard more of it. And for himself, he was never within a considerable distance of *Mr. Thomas*, during the whole Fray; so that he had no reason to fear Blood upon his Sword, if it had been found upon him. And that I might also remember, that there was positive Evidence against *James Philboy*, and *Daniel Tully*, as being the Two Persons that engaged *Mr. Thomas*, so that he could be none of them. And, though some of the Witnesses, who knew none of the whole Company, said, that one of the Two Persons that engaged *Mr. Thomas* was of his Stature, and with such a Coat; yet, if that Manager of his Tryal had call'd other Two, who were principal Evidences for the King; but kept back, because he had not Twenty Guineas to give him; (for which Effect, he was thrice with him in *Newgate*.) I, and all the Court, wou'd have heard every Circumstance of the whole Matter Sworn so plain, that all shadow of doubting his Innocence wou'd have been remov'd; and that his Willingness to have sav'd *Mr. Thomas* wou'd have evidently appear'd: for those Two Witnesses knew both him, and the Two Persons that engaged *Mr. Thomas* particularly; and how he came to have a Coat like one of them. And did I but take the Trouble to discourse them upon the poynt, he questioned not their giving me full Satisfaction in every Particular: Which Account probably I might believe rather than his.

As to what *Mr. Thomas* said, when he was Dying; he said, It was nothing strange, in respect he was near Death, and under strong inward Convulsions; (as one then present, to whom he directed me, cou'd well inform me) and therefore, very unfit

to give his Thoughts in that matter, at that time: and the Person that apprehended him was so unkind, as not to carry him to him immediately, though he earnestly begg'd it, and offered him a Guinea so to do: and this I might likewise know from the Person he had nam'd to me. But further added, That he was not so much griev'd with all that was to befall his Body, as to think, that when God and his own Conscience knew his Innocence, People shou'd think him Guilty of so horrid and bloody a Murther: And did therefore declare to me, with all Seriousness, as he must answer, within a very short time, to a Just and Holy God, that he knew nothing of the Quarrel when it fell out; that he did nothing to the Hurt of Mr. *Thomas* when he came up; but, on the contrary, had not Mr. *Thomas* run to the other side of the Street, where he fell down, he wou'd have done his utmost to have saved him; and he hop'd I did believe him to be in his right Reason, under the Apprehensions of Death, and sense of an Omniscient God, at the time he declared this; and therefore durst not venture to say any thing to me that had the least Falseness in it.

From this, and much more, that at several times past betwixt us, I was more and more mov'd to do what possible I cou'd for a Reprieve for him. I went afterwards to most of the Witnesses that were Sworn at the *Old-Baily* against him, to that Person who was present when he was with Mr. *Thomas*, and to those Witnesses who were kept back at his Tryal; and by asking the Witnesses divers circumstantial Questions, I found he had been at a great Loss in not knowing how to manage his Tryal; and in not asking the Witnesses for the King Questions proper for him; to which, their Answers wou'd certainly have cleared what was said against him: And from that Person who was present when he was with Mr. *Thomas*, and the Two Witnesses that were not called at his Tryal, I received all convincing Satisfaction (concerning his Innocence) that I cou'd desire.

And from the whole, I must needs think *Francis Newland* no more Guilty of Mr. *Thomas's* Murther, than being unfortunately present at that, which, I really believe, he was desirous to have prevented. And now I shall return to our first Meeting in *Newgate*, that I may likewise give a short Account of what Temper of Soul I found him in, and what Satisfaction I had, as to its State, at his Death.

I took occasion, at our first Meeting, to set forth the hainous Nature of *Sin* in General, and of that in Particular, for which he was Condemned, and endeavoured to do it in the most affecting way I cou'd; as likewise the Necessity and Nature of *Repentance*, and Faith in *Jesus Christ*, without which he must certainly perish: and observed what I spoke, so to affect him, that he weep'd, and even trembling, because his Sins so dreadfully reflected (as he term'd it) upon him; and were so many and great, and his Repentance so mean, that God wou'd not have Mercy upon him. Perceiving this to be the frame of his Spirit, I ask'd him divers *Questions*, as to his Knowledge of the fundamental Principles of our Faith; as to his Sorrow for, and hatred of Sin, that had brought this upon him; as to his Love to God, who yet offered Mercy unto him; as to his Faith in *Jesus Christ*, who died to save such Sinners as he, upon true Repentance; and as to several other things; so that I might the better know how to suit my Discourse as well then, as after. His Abhorrence of himself, because of his Sins, and his Reflections upon his former Life, were such, that he cou'd not mention any of his past evil Courses without deep Sighs, and many Tears; or of his former Companions, without the greatest Contempt imaginable, often saying, the Thoughts of Death and Hanging disgracefully were nothing to the terrible Thoughts his former Life afforded him; for unto the Sentence of *Condemnation* he humbly submitted, as unto the Holy Will of God, and blessed the Lord that it was the Occasion of his serious Thinking upon his past Life; and said, it might be the Wonder of the World, that

that God had not suffered him to be Hang'd long agoe, and thrown him into Hell for his former Sins: And all he desir'd now in the World, was, that God would give him true Repentance for his Sins, and Faith in Jesus Christ, that died to save so great a Sinner as he was; and fill his Heart with true love to him, who had not Damn'd such a wicked Wretch as he was long before: Complaining of *Covent-Garden* that had ruin'd him, by leading him into such wicked Company, as if his Father had lived and seen him use, he wou'd have been ready to have Hang'd him with his own Hands. And saying, he car'd not what all the Earth said or thought of him, if God wou'd but have Thoughts of Mercy towards him; for his Thoughts now were quite other from what they were before, heartily wishing it were so with all his old Comrades.

Upon this, apprehending something of Comfort necessary for his Condition, I discours'd with him pretty long upon the Parable of the Prodigal, in *Luk. 15.* And of God's great Condescension to Sinners upon their sincere Repentance, as he might see at large in *Isai. 55.* and *Jer. 3.* which I desir'd him to read and consider, and for that Effect left a Bible with him; and press'd him to remember, that his Sins cou'd not be too great for the Mercy of God; but let them be as many, great, and dreadfully aggravated as they wou'd, the Merit of Christ's Satisfaction is sufficient to purchase Pardon for them all, if he wou'd but come to Christ weary of them, and take his Yoke upon him; and if he did so, he might assure himself that his kind Saviour would in no wise cast him out. And after much Discourse of this nature betwixt us, I prayed with him, and left him; and desir'd the frequent Prayers of some very pious Persons on his behalf, which they very earnestly did.

Returning next Day to see him, he told me he had read and consider'd those Chapters, and what had pass'd betwixt us the preceeding Night; and bless'd the Lord most heartily for what Ease of Mind he had found thereupon: and said, that although

he durst not say, that he had such sorrow for, and hatred of Sin, and Faith in Jesus Christ, as he did wish; yet he hoped he might safely say, that it was the only thing on Earth he did most desire: and were he but so filled with Love in his Soul unto his Gracious Redeemer, as he observed the Saints always were; and was that Fear of missing the Favour of God, that he lay under, removed, he cou'd say, in the Sincerity of his Heart, that he cou'd willingly tread upon all things in the World (though formerly never so dear and pleasant to him) to be dead, that so he might be where he cou'd sin no more against so dear and loving a Lord. And here he told me, That he had lived without any regard to the Observation of the *Lords-Day*, seldom going to hear a Sermon: yea, That he usually scoffed at Ministers, instead of Hearing, and following their Exhortations: That he seldom read the Scripture, if he cou'd get a Play or idle History to read: That he gave his Tongue great Liberty to Lye, and speak Untruths, but especially (which now of all things grieved him most) to abuse the Holy Name of GOD; and generally, in all his Discourse, to wish God to damn him: That he had been led aside with lewd Women: That he was very Proud, and therefore wou'd not embrace such Employments as might have prevented his falling into so bad Company as he used: And several other things, which he heartily wish'd the Lord wou'd preserve all other Persons from falling into; and pray'd God might give them Grace to learn from him what to do, as he had done, lest they might meet with the same Fate that he was to suffer. This, and much more of this Nature, he expressed with as great Affection, Satisfaction, and Joy, that he found himself thus disposed, as ever I observed, I think, in any Person; his very Looks and Gesture demonstrating his Sincerity and Heavenly-mindedness at the time.

Being surpriz'd and over-joy'd at this, I told him, I was exceeding glad to see the Return of Prayer so notable in his Case; and

and that, as I wou'd never dissuade him from a Holy Fear, that being very consistent with Faith, but, on the contrary, press him to entertain a Filial Fear always; so I was perswaded these Desires came from God, since we cou'd not of our selves either do or will what is well-pleasing to Him, as such desires certainly were; and that therefore the Lord wou'd perfect what he had begun in him: Whereupon, thrusting his Head into my Bosom, he burst forth into such a Flood of Tears, as surpris'd me; but upon my asking, What the Matter was with him? he told me, That his Fears of God's Wrath, and his Desires of his Favour, with the frightful Looks his former Life had, were ready to burst his Heart in pieces: yea, so it was, that sometimes he knew not whether he had a Heart or not: and upon this, he shewed me a Book, (which had been lent him) of a very Learned Author, wherein were some things that increased his Torture of Mind; but taking the Bible, I shew'd him an Instance in Scripture directly contradicting what was there said: whereupon, as he had Ease of Mind, so he bitterly cry'd for his neglecting to use the Holy Scriptures, which were so necessary and useful to one in his Condition, wishing none after him to do the like.

Upon the *Sixteenth* at Night, I stay'd with him very late, his Execution being expected upon the Morrow. And here, after some interchanges of Hopes and Fears, I observed in him a sweet Composure of Spirit, fit for a dying Man, and such Ease of Mind, as he begg'd God might continue to his last, which occasion'd me to ask him more Questions than I had done for some Days before: and I must needs say, That for strength of Memory, readiness of Apprehension, and solidity of Judgment, he was a Youth of a Thousand; for I was not able to explain to him any Question I ask'd him, in the beginning of our Acquaintance, better than he cou'd do it to me now; yea, of several things I inform'd him of, to which he was much a Stranger before, he discours'd with that Judgment and

and Feeling, which he had attained, as he said, by meditating and comparing of them with his own Condition, that I was at a stand to see it; and do really think, that if the Lord had prolong'd his Days, and continued unto him the Grace he had given him after his Condemnation, he had proved, as well one of the devoutest Christians, as one of the best accomplish'd Youths in the Kingdom. At this time he told me, that those Chapters, *Isa. 55. Jer. 3. and Luk. 15.* had been extraordinary helps to his Soul; and that it had pleased the Lord signally to bless, for the good of his Soul, some other places of Scripture, which had been recommended unto him at other times; such as, *Come unto me all ye that labour, and are heavy laden, and I will give you rest, Matt. 11. 28. He that cometh unto me, I will in no wise cast out, John. 6. 37. Look unto me all ye ends of the Earth, and be saved, Isa. 45. 22. Only acknowledge thine Iniquity that thou hast transgressed against the Lord thy God, Jer. 3. 13. I was found of those that sought me not, and made manifest unto those that inquired not for me, Ro. 10. 20. Come now and let us reason together, saith the Lord: though your Sins be as scarlet, they shall be as white as snow; though they be red as crimson, they shall be as wool, Isa. 1. 18. O Israel, thou hast destroy'd thy self, but in me is thy help, Hos. 13. 9. Why wilt thou die, O House of Israel? For as I live, saith the Lord, I delight not in the death of him that dieth, Ezek. 18. 31.* And that had it not been for the Word of God, which he had formerly so much slighted, he had certainly been ruined by the Temptations of Satan, even in Prison.

The next Morning I found him drest in order to his Execution, and smilingly said, I thought he look'd more like a Bridegroom, than a Person to be Hang'd: he answered me, he hop'd he was one, and to be Married to one with whom he shou'd have Everlasting Peace. But his Execution at that time was prevented by a Reprieve, not long after brought in; at which, though I did observe him, I did not perceive any great Alteration in him. That

That Evening I found in him some disturbing Thoughts; but after we had been some time at Prayer, (as *three eminent Ministers* had also been that Day on his behalf) it pleased God to assist him with Strength to overcome them, and renew his former Ease and Satisfaction.

I went again several times *next Day* to see him: At Night, after all means that so short a time cou'd allow for a further Reprieve had been used, but without his Knowledge, I found him in a pensive Condition concerning his future Estate. Whereupon I first went to Prayer with him for some time, and then discours'd with him largely of the many Changes the People of God have been under, even *David* himself, thinking at one Minute he should never be moved; but at the next, ready to think he was cast out of God's Sight; and therefore, such a wicked Wretch as he had been might admire that God did not draw him all along through Hell, until he had landed him in Heaven; and he might think it wonderful Love in God, to give such an one as he any thing but Torture of Soul, when the best of the Saints had suffered so much of it: And since it proceeded either from God, to try the Sincerity of his Faith and Repentance; or from the Devil, to cause him to despair of God's Mercy; his Work was, to keep close to Christ, and to depend only upon the Mercy of God, through him, come what will. And it pleased God to give him after this so much Ease of Mind, that at last he said, though I begg'd you to stay with me the Night before, yet now I will desire you to leave me alone, for I hope God will hear my Night-Groans, and relieve me: And so I wish'd him good Night.

The next Morning, being the Day of his Execution, he met me smiling, and imbracing me said, he had not been in Bed all Night; but God had given him such Ease, that he hop'd I shou'd not see his Countenance change any more. After he had received the *Sacrament*, and the Person who gave it him

had discoursed with him in private, I again discoursed with him alone, and he gave me such Satisfaction concerning his hatred of, and sorrow for Sin, especially his own Sins, that had been dear to him in his Life, (as he express'd it) his Love to God, Faith in Christ, Submission to the Will of God, as to the manner of his Death, and forgiving every Person but himself, as made me amazed to behold the Riches of the free Grace of God in Christ so fully poured forth upon a poor Creature; and he spoke what he said with no less Sense and Feeling, than if he had been a Christian of more Years standing than he had lived in the World. And he said, he now desir'd to be gone, while he found any thing of the Favour of God towards him; and therefore car'd not to say any more in Prison than this, I heartily thank you for all your *Prayers* and *good Advices* to me, they have not been in vain; and the Lord be with you until we meet where we shall love other for evermore. So leaving the Prison, I went in the Coach with him to the Place of Execution, and observed a Composure of Mind, attended with a dutiful Fear, all along. And when, upon the Cart with him, in Singing the fifth Verse of *Psal.* 32. which he had desir'd the Ordinary to Sing, I plainly perceived, (as all that saw his Face likewise might) of a sudden, such a Pleasantness and Lustre in his Countenance, as did seem to demonstrate a singular Manifestation of the glorious Favour of God upon his Soul: And thereupon, when all was done, and the rest had taken their Leaves of him, I spoke to him, and found him in a Heavenly Frame of Spirit, and well satisfied in his Mind, and taking him by the Hand, he said, The Lord be with you, and reward you for all your Kindness to me; for I cannot: But I now hope we shall meet in Heaven, where you will have your Reward.

THere were *others who visited* this Penitent in Prison, and were well satisfied of his Innocence ; and some of these could have written more largely, if they had thought it necessary ; but this is more than enough, in a Case wherein there is no more to be said to the contrary : And this being so, it may afford Matter of sad *Reflection* to the *Criminals*, who have not only basely Murthered one Innocent Person, but in effect, another besides, and he a Friend, whom they had before drawn into evil Courses, and such as brought Bitterness in the end : but withall, Matter of useful and necessary *Admonition*, to reflect seriously upon all their evil Courses, consider the end of them, and to put an end to them by such a Repentance as may bring Peace at the last, which, I doubt, can hardly be without Submission to Justice. And whereas it doth appear, that there were *Two Persons Indicted* for the same Crime, both of the same Company, both present when the Murther was committed, and both equally Guilty, as must needs be, if neither was ; and yet were so distinguish'd at their Tryal, that the *One* was found *Guilty*, and the *Other Acquitted* ; this, if done through any secret Corruption of any Persons, because they had or had not Money, is Matter of sad Reflection to such Persons who, undoubtedly, have been guilty of such Practices before ; for their State and Condition is, without all question, most desperate, and not to be otherwise remedied, but by giving Glory to God, by a publick Confession of their Crime, and submitting to the utmost Severity of the Justice of the Nation. It is a Crime above the ordinary degree of Murther, and such as brings such Guilt upon the Nation, as cannot be expiated but by Exemplary Punishment, if not such as may possibly be above the reach of an ordinary Indictment ; for extraordinary Crimes may require extraordinary Authority to punish them. And it is a Matter which deserves, and crys aloud for the serious Consideration of all the *Judges*. For though I do not know that any of them is to be blamed for any Miscarriage in the Administration of

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Justice; yet it is certain and notorious, that Justice is often very ill administred in this Nation; and the Fault of that may, at last, be reducible to the Judges. Their *Profession* doth *qualifie* them to discern what is amiss in the State, or in the Nation; and their *Place* doth *oblige* them to represent or propose it to the *King*, to the *Parliament*, to the *Countrey*, and to such Bodies of the *Commons of England*, as are most proper to complain, as the Case may require; and without this, though they severally discharge their Duties never so well, they cannot (especially when there is so much need) but be very defective in the compleat Discharge of their Duties, both to *God*, and their *Countrey*. I have not known a better Constitution in the World, than our *Civil Government*, if it be well understood, and things were managed accordingly. And our *Ecclesiastical Constitution* would appear far better than it doth, (were it not too much hampered by the State) if the Governours of the Church did but well consider what doth belong to them in common, and exert that Power and Authority with that Resolution and Constancy that doth become *Christian Bishops*. But as things are, and for a long time have been ordered, we are reduced to such a degenerate State and Condition, as is unworthy of the Name of *Christian*; just such as hath, in former times, preceeded some of the greatest Calamities and Revolutions that have been known in this Nation; and such as, perhaps, is now again not far off, if they to whom it doth belong to take care for Remedy, do not look better about them.

ERRATA

p. 15. l. 13. Apr. 7. r. Apr. 14. l. 14. dele gave him.

F I N I S.